

# MANDATE

UNITED STATES COURT OF APPEALS  
for the  
SECOND CIRCUIT

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At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 3<sup>rd</sup> day of November, two thousand and ten,

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Kyle Gultz,

Plaintiff - Appellee,

v.

Eric DiBartolo, individually, Town of Yorktown, New York,

Defendants - Appellants,

Linda McMahon, individually, Donald Curry, individually, Jeffrey Bischoff, individually, Paul Holopeter, individually, Linda Cooper, individually, Attorneys Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP, Attorneys for defendats Donald Curry and Jeffrey Bischoff,

Defendants.

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**ORDER**

Docket Number: 10-3155

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>JAN. 03, 2011</u>
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A notice of appeal was filed on 08/05/2010. Appellant's brief and appendix, due 10/22/2010, has not been filed. The case is deemed in default.

IT IS HEREBY ORDERED that the appeal will be dismissed effective 11/17/2010 if the brief and appendix are not filed by that date. No extension of time to file will be granted.

**MANDATE ISSUED ON 1/3/11**

For The Court:

Catherine O'Hagan Wolfe, Clerk

Hezekiah James Toft, Deputy Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit